IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 12658 of 2004

Between:

M/s Srujana Degree College,

Pillalamarry X Roads, Mettugadda, Mahaboobnagar
rep.by its Correspondent Sri Shanker Rao,

S/o Hanumantha Rao, aged 68 years
R/o Mahabubnagar

..... PETITIONER

AND

1 The Recovery Officer, O/o Asst.P.F.Commissioner, Barkatpura, Hyderabad.
2 The Assistant P.F.Commissioner, Barkatpura, Hyderabad.
3 Enforcement Officer, O/o the Regional P.F.Commissioner, Barkatpura, Hyderabad
4 The Employees Provident Fund Appellate Tribunal,

Skylar Marg, 60, Nehru Place, New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the connected records from the respondents and issue an appropriate Writ, Order or direction preferably a writ in the nature of Mandamus declaring that the impugned order No.AP/332552/RC.No.54/04/199 dated 28-5-2004 issued by the 1st respondent as illegal, arbitrary and against the orders of this Hon'ble Court in

W.P.No.17948/2001 dated 29-8-2001 and issue appropriate orders to the 1st respondent restraining him from the recovery of the said amount of Rs.3,01,078/- and also all further proceedings till the appeal is finally disposed of by the 4th respondent Appellate authority.

Counsel for the Petitioner:MR.N.VENKATRAMA REDDY

Counsel for the Respondent Nos.1 to 3: MR.R.N.REDDY

Counsel for the Respondent No.4:_____

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and also the learned Standing Counsel appearing for respondents 1 to 3.

It is not in dispute that against the order passed under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, dated 31-01-2001, the petitioner preferred an appeal before the fourth respondent-Employees' Provident Fund Appellate Tribunal, New Delhi, and the same is pending. Aggrieved by the same, he filed W.P.No.17948 of 2001 before this Court, wherein, this Court stayed the said order on condition of his depositing 50% of the assessed amount for the period from December, 1997 to November, 2000. Again, for the subsequent period from December, 2000 to July, 2003, the petitioner was assessed for the amount due as determined by the second respondent through order dated 22-09-2003 and accordingly, the first respondent issued recovery proceedings dated 28-05-2004 against the petitioner for recovery of the amount due. Questioning the same, the present writ petition is filed.

Considering the submissions made by the learned counsel for the petitioner as well as the Standing Counsel appearing for respondents 1 to 3, I am of the view that interest of justice will be met if the petitioner deposits 50% of the amount, so demanded, within a period of six weeks from today. Till the appeal is filed by the petitioner before the fourth respondent, no coercive steps shall be taken for due recovery of the amount and the amount so deposited will abide by the decision of the appellate authority. As and when such appellate authority is appointed, the appellate authority shall take up the application of the petitioner for consideration and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

18th NOVEMBER, 2004.

Kvni

To

1 The Recovery Officer, O/o Asst.P.F.Commissioner, Barkatpura, Hyderabad
2 The Assistant P.F.Commissioner, Barkatpura, Hyderabad
3 The Enforcement Officer, O/o the Regional P.F.Commissioner, Barkatpura, Hyderabad
4 The Employees Provident Fund Appellate Tribunal, Skylar Marg, 60, Nehru Place, New Delhi

5 Two CD copies.